

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GERALD LYNN CAMPBELL,

Petitioner,

v. // CIVIL ACTION NO. 1:10CV67  
(Judge Keeley)

KUMA J. DEBOO,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 24],  
GRANTING DEFENDANT'S MOTION TO DISMISS, OR IN THE  
ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT [DKT. NO. 19],  
AND DENYING AND DISMISSING PETITIONER'S § 2241 PETITION  
WITH PREJUDICE [DKT. NO. 1]

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On April 26, 2010, the pro se petitioner, Gerald Lynn Campbell ("Campbell"), filed a petition for habeas corpus pursuant to 28 U.S.C. § 2241 ("Petition"), requesting that this Court order that he be transferred to the Virginia Department of Corrections, or in the alternative, that it release him on parole (dkt. no. 1). The Court referred this matter to the Honorable James E. Seibert, United States Magistrate Judge ("Magistrate Judge Seibert"), for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation Procedure 2.

On August 11, 2010, the defendant, Kuma J. DeBoo ("DeBoo"), moved to dismiss, or in the alternative, for summary judgment on Campbell's Petition (dkt. no. 19). On August 13, 2010, the Court sent a Roseboro notice to Campbell (dkt. no. 21), who filed a timely response in opposition to DeBoo's motion on September 9, 2010 (dkt. no. 23).

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On October 18, 2010, Magistrate Judge Seibert issued his Report and Recommendation ("R&R"), recommending that Deboo's motion be granted and that Campbell's petition be denied and dismissed with prejudice (dkt. no. 24).

The R&R also specifically warned Campbell that his failure to object to the recommendation within fourteen days of receipt of the R&R would result in the waiver of any appellate rights he might have as to these issues. Although Campbell was served with the R&R on October 20, 2010 (dkt. no. 25), he filed no objections.<sup>1</sup>

Based on Campbell's failure to file objections to the R&R, the Court **ADOPTS** the R&R in its entirety, **GRANTS** DeBoo's motion to dismiss or, in the alternative, motion for summary judgment, and **DENIES** and **DISMISSES** Campbell's petition **WITH PREJUDICE**.

It is so **ORDERED**.

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<sup>1</sup> The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-53 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-00 (4th Cir. 1997).

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The Court directs the Clerk to transmit a copy of this Order to counsel of record, and to mail a copy to the pro se petitioner, certified mail, return receipt requested.

Dated: November 19, 2010.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE